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PART II—Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, WEDNESDAY, JANUARY 23, 1980/MAGHA 3, 1901

इस भाग में भिन्न पृष्ठ संलग्न वी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd January, 1980:—

BILL No. 1 OF 1980

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Forty-fifth Amendment) Act, 1980. Short title and commencement.

(2) It shall be deemed to have come into force on the 25th day of January, 1980.

2. In article 334 of the Constitution, for the words "thirty years", the words "forty years" shall be substituted. Amendment of article 334.

STATEMENT OF OBJECTS AND REASONS

Article 334 of the Constitution lays down that the provisions of the Constitution relating to the reservation of seats for the Scheduled Castes and the Scheduled Tribes and the representation of the Anglo-Indian community by nomination in the Lok Sabha and in the Legislative Assemblies of the States shall cease to have effect on the expiration of a period of thirty years from the commencement of the Constitution. Although the Scheduled Castes and the Scheduled Tribes have made considerable progress in the last thirty years, the reasons which weighed with the Constituent Assembly in making provisions with regard to the aforesaid reservation of seats and nomination of members, have not ceased to exist. It is, therefore, proposed to continue the reservation for the Scheduled Castes and the Scheduled Tribes and the representation of Anglo-Indians by nomination for a further period of ten years.

2. The Bill seeks to achieve the above object.

NEW DELHI;

ZAIL SINGH,

The 16th January, 1980.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 334 of the Constitution to provide for the continuance of the representation of the Anglo-Indian community in the Lok Sabha and in the Legislative Assemblies of the States by nomination for a further period of ten years. It is estimated that the recurring expenditure on the salaries and allowances and other concessions, of the two representatives of the Anglo-Indian community in the Lok Sabha under article 331, will be of the order of Rs. one lakh per annum.

2. There will be no non-recurring expenditure.

BILL No. 3 OF 1980

A Bill further to amend the Payment of Bonus (Amendment) Act, 1977.

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Payment of Bonus (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 30th day of August, 1979.

Amendment of section 2.

2. In section 2 of the Payment of Bonus (Amendment) Act, 1977 (hereinafter referred to as the Amendment Act), for the words and figures “and in respect of the accounting year commencing on any day in the year 1977”, the words and figures, “in respect of the accounting year commencing on any day in the year 1977 and in respect of the accounting year commencing on any day in the year 1978” shall be substituted.

Repeal and saving.

3. (1) The Payment of Bonus (Amendment) Ordinance, 1979, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Payment of Bonus Act, 1965, by virtue of the provisions of the Amendment Act as amended by the said Ordinance shall be deemed to have been done or taken under the Payment of Bonus Act, 1965, by virtue of the provisions of the Amendment Act as amended by this Act.

43 of 1977.

6 of 1979.

21 of 1965.

STATEMENT OF OBJECTS AND REASONS

In 1975, a number of substantial amendments were made in the Payment of Bonus Act, 1965 by means of the Payment of Bonus (Amendment) Ordinance, 1975, promulgated on the 25th September, 1975. This Ordinance was later replaced by the Payment of Bonus (Amendment) Act, 1976 (23 of 1976). As a result of these amendments, a minimum bonus of four per cent. only was payable in respect of the accounting year commencing on any day in the year 1974 and no minimum bonus was payable in respect of subsequent accounting years if there were no allocable surplus in those years. The banking companies and the Industrial Reconstruction Corporation of India, to which the Act was earlier applicable, were excluded from the purview of the Act. Some other changes were also made.

2. Considering an almost unanimous demand of the working class that the Payment of Bonus Act, 1965 should be amended to provide, *inter alia*, for payment of a minimum bonus whether there was an allocable surplus or not, the aforesaid Act was amended by the Payment of Bonus (Amendment) Act, 1977 (43 of 1977) to provide for payment of a minimum bonus of 8.33 per cent. for the accounting year commencing on any day in the year 1976 irrespective of whether there was any allocable surplus. Banking companies and the Industrial Reconstruction Corporation of India were also bound to pay bonus under the Payment of Bonus (Amendment) Act, 1977. Investment allowance was allowed to be deducted as a prior charge, from the gross profits, in the computation of allocable surplus. Provision for payment of bonus under an agreement on a formula different from that outlined in the Act was restored, subject to certain safeguards.

3. Subsequently, requests were received from various quarters for amendment of the Payment of Bonus Act, 1965 in certain other respects. Pending consideration of these proposals, it was decided to maintain the *status quo* for the accounting year commencing on any day in the year 1977. The intention was to study these proposals and to have consultations with the interests concerned before introducing permanent changes in the Act. This process could not, however, be completed and after the change of Government in July 1979, it was decided to maintain the *status quo* for the accounting year commencing on any day in the year 1978 also. Accordingly, the President promulgated the Payment of Bonus (Amendment) Ordinance, 1979, on the 30th August, 1979.

4. The present Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

J. B. PATNAIK.

The 16th January, 1980.

BILL No. 2 OF 1980

A Bill further to amend the Government of Union Territories Act, 1963.

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Government of Union Territories (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 25th day of September, 1979.

Insertion of new section 52.

2. After section 51 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Authorisation of expenditure by President.

“52. Where the Legislative Assembly of a Union territory is dissolved, or its functioning as such Assembly remains suspended, on account of an order under section 51, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of that Union territory pending the sanction of such expenditure by Parliament.”.

Repeal and saving.

3. (1) The Government of Union Territories (Amendment) Ordinance, 1979, is hereby repealed.

S of 1979.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Votes on Account passed by Parliament in respect of the Union territories of Pondicherry and Goa, Daman and Diu for the financial year 1979-80 were due to expire on 30th September, 1979 and 31st October, 1979, respectively. It was expected that the full budgets of these territories could be passed by their Legislative Assemblies, if reconstituted before those dates, or by Parliament. However, the Lok Sabha was dissolved on 22nd August, 1979 and it was decided that elections to the new Lok Sabha and the new Legislative Assemblies of Pondicherry and Goa, Daman and Diu should be held simultaneously in January, 1980.

2. There was no provision in the Government of Union Territories Act, 1963 for authorising any expenditure from the Consolidated Funds of these territories in the absence of both the Assembly and Lok Sabha. Hence, the President promulgated the Government of Union Territories (Amendment) Ordinance, 1979 (8 of 1979) on 25th September, 1979 for inserting in the said Act a provision, analogous to article 357 (1) (c) of the Constitution, to the effect that, where the Legislative Assembly of a Union territory is dissolved, or its functioning as such Assembly remains suspended, on account of an order under section 51 of the Act, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of that Union territory pending the sanction of such expenditure by Parliament.

3. The Bill seeks to replace the said Ordinance.

NEW DELHI;

The 16th January, 1980.

ZAIL SINGH.

AVTAR SINGH RJKHY,
Secretary.

